IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 29721 of 2006(L)

PETITIONER:

GOPALAKRISHNA PILLAI,
S/O.RAMAKRISHNA PILLAI,
CHEMBAKASSERIL VEEDU, AGASTYACODE,
ANCHAL, KOLLAM DISTRICT.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KOLLAM.

2. THE KERALA FINANCIAL CORPORATION,
REP. BY ITS MANAGING DIRECTOR,
VELLAYAMBALAM, THIRUVANANTHAPURAM.

3. THE CHIEF MANAGER,
THE KERALA STATE FINANCAL CORPORATION,
DISTRICT OFFICE, KOLLAM.

4. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, THE KERALA FINANCIAL CORPORATION
KOLLAM.

BY ADV. SRI.A.A.ABUL HASSAN, SC, KFC
ADV. SMT.M.K.PUSHPALATHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 29721/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF NOTICE WITH SCHEDULE ISSUED BY THE 4TH RESPONDENT VIDE NO.RR57/02 DATED 20/06/06.

P2 : COPY OF THE MAHAZAR AND REPORT PREPARED BY THE VILLAGE OFFICER, ANCHAL AS PER THE NOTICE OF THE 4TH RESPONDENT.

P3 : COPY OF RECEIPT DATED 29/07/2006 FOR THE PAYMENT OF Rs. 60,150/- BY THE PETITIONER TO THE 4TH RESPONDENT.

P4 : COPY OF THE RECEIPT DATED 25/08/2006 FOR THE PAYMENT OF Rs. 3,40,850/- BY THE PETITIONER TO THE 4TH RESPONDENT.

P5 : COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT VIDE NO.57/02 DATED 31/10/2006 AND RECEIVED BY THE PETITIONER ON 03/11/2006.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 29721 of 2006

Dated, this the 7th day of June, 2007

J U D G M E N T

This WP(C) is filed by the petitioner, who is the auction purchaser in revenue sale, for a direction to first respondent to confirm the sale. First respondent has not confirmed the sale because of objection by the 2nd respondent against the sale of property at below the market price. Learned counsel for the petitioner submitted that loan arrears from the defaulter is around Rs. 1.37 crores, property of around 40 cents of land sold to the petitioner for around Rs. 4,01,000/-, which is yet to be confirmed. Learned counsel for the 2nd respondent submitted that property was valued in the year 1998 at Rs. 12 lakhs. The price of land has gone up several times over the price in 1998. Prima facie the claim of the 2nd respondent that the sale is at below the market price is tenable. In the circumstances, WP(C) is disposed of directing 1st respondent to hear 3rd respondent on the objections of KFC, go through the valuation report and if necessary get it properly valued, hear petitioner's objections also and pass orders either confirming the sale or if it is declined, the reason should be mentioned in the

order. First respondent is directed to pass orders within six weeks from today. Petitioner is directed to appear on the date of posting given by the 1st respondent. If sale is not confirmed in favour of the petitioner, the amount collected from the petitioner should be immediately refunded to the petitioner after 1st respondent issues order. When property is sold next time, notice should be issued to 3rd respondent to give proper publicity by advertisement.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg